IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5354 OF 2004

1. Jakiuddin Miyakhan Bohari and Anr. Petitioners

Vs

1. Inayat Hussein Roshanali Lakadawala

and ors. .. Respondents

Mr M.R.Katikar, for the petitioners.

CORAM : D.B.BHOSALE,J.

DATE : 11th October, 2004.

PC:

1. Heard the learned counsel for the petitioners.

2. This petition is directed against the order dated 8.3.2004 passed in the application filed by the plaintiffs-respondent nos 1 to 4 under Order 41, Rule 27 of the Code of Civil Procedure, seeking production of additional evidence. By this order, the application has been allowed holding that the documents sought to be produced would be necessary for proper adjudication of the rights of the parties. Mr Katikar, learned counsel for the petitioners, submits that there was a delay of more than ten years in filing the application and, therefore, the Court below ought to have rejected it on

the ground of delay.

3. Considering the provisions of clause (b) of sub-rule (1) of Rule 27 of Order 41 of the CPC and keeping in view the reasons recorded by the learned Judge in the impugned order, I see no reason to interfere in the order impugned in the petition filed under Article 227 of the Constitution. The writ petition, therefore, fails and is dismissed as such.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)